



Entered on Docket
June 17, 2010

Hon. Gregg W. Zive
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

SPECIALTY TRUST, INC., et al.¹

- ☐ Affects this Debtor
- ☒ Affects all Debtors
- ☐ Affects Specialty Acquisition Corp.
- ☐ Affects SAC II
- ☐ Affects SAC D-1, LLC

Chapter 11

Bankruptcy Case Nos.:

Specialty Trust, Inc.: 10-51432
Specialty Acquisition Corp.: 10-51437
SAC II: 10-51440
SAC D-1, LLC: 10-51441

**ORDER PURSUANT TO 11 U.S.C. §§
105(a) AND 331, FED. R. BANKR. P.
2016 AUTHORIZING AND
ESTABLISHING PROCEDURES FOR
INTERIM COMPENSATION AND
REIMBURSEMENT OF EXPENSES OF
PROFESSIONALS**

Hearing Date: June 2, 2010
Hearing Time: 2:00 p.m.

¹ The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, if applicable, are: Specialty Trust, Inc. (2463); Specialty Acquisition Corp. (3680); SAC II (2463); and SAC D-1, LLC (1858).

1 Upon the *Motion for Order Pursuant to 11 U.S.C. §§ 105(a) and 331, Fed. R. Bankr. P.*
 2 *2016 Authorizing and Establishing Procedures for Interim Compensation and Reimbursement*
 3 *for Expenses for Professionals* ("Motion") filed by Specialty Trust, Inc. and its affiliated debtors
 4 and debtors in possession (collectively the "Debtors"); this Court having jurisdiction to consider
 5 the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334; due and proper notice
 6 of the Motion having been provided; it appearing that no other or further notice need be
 7 provided; the Court having determined that the relief sought in the Motion is in the best interest
 8 of the Debtors, their creditors, and all other parties in interest subject to the modifications set
 9 forth herein; and good cause appearing therefor;

10 IT IS HEREBY ORDERED that the Motion is granted, subject to the following
 11 modifications:

- 12 a. Paragraph C is modified to provide that: If any Notice Party
 13 objects to a Professional's Monthly Fee Application, it must, on or
 14 before the expiration of the Objection Deadline, put such objection
 15 in writing (an "Objection") and serve such Objection on such
 16 Professional and each other Notice Party so that the Objection is
 17 received on or before the Objection Deadline. Thereafter, the
 18 objecting party and the affected Professional may attempt to
 19 resolve the Objection on a consensual basis. If the parties are able
 20 to resolve the Objection, the Debtors shall then be authorized to
 21 pay 80% of the fees and 100% of the expenses of the resolved
 22 amount. If the parties are unable to reach a resolution of the
 23 Objection, the affected Professional may either (i) file a request
 24 with the Court for payment of the difference between the
 25 maximum monthly payment and the Actual Monthly Payment
 26 made to the affected Professional (the "Incremental Amount") or
 27 (ii) forego payment of the Incremental Amount until the next
 28 interim or final fee application hearing, at which time the Court

1 will consider and dispose of the Objection if requested by the
2 parties.

3 b. Paragraph E is modified to provide: Debtors will request that the
4 Court schedule a hearing on the Interim Fee Applications at least
5 once every 120 days or at such other intervals as the Court deems
6 appropriate.

7 IT IS FURTHER ORDERED that except as otherwise provided this Order or an order of
8 this Court authorizing the retention of a particular professional, Professionals shall be and hereby
9 are permitted to seek interim payment of compensation and reimbursement of expenses in
10 accordance with the Compensation Procedures set forth in the Motion.

11 IT IS FURTHER ORDERED that each member of the Equity Committee or other
12 committee appointed in these chapter 11 cases shall be permitted to submit statements of
13 expenses (excluding third-party counsel expenses of individual committee members) and
14 supporting vouchers to counsel for the Equity Committee or other committee appointed in these
15 chapter 11 cases, which counsel shall collect and submit the committee members' request for
16 reimbursement in accordance with the Compensation Procedures set forth in the Motion.

17 IT IS FURTHER ORDERED that Debtors shall include all payments made to
18 Professionals in accordance with the Motion in their monthly operating report, identifying the
19 amount paid to each of the Professionals.

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1 IT IS FINALLY ORDERED that this Court shall retain jurisdiction to hear and determine
2 all matters arising from the implementation and/or interpretation of this Order.

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6 Submitted by:

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8 DOWNEY BRAND LLP

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10 By: 

11 Sallie B. Armstrong
Attorneys for Debtors and Debtors
in Possession

12 Approved:

13 OFFICE OF THE UNITED STATES TRUSTEE

14
15 By: 

16 WILLIAM B. COSSITT
17 Trial Attorney for Acting United States
Trustee Sara L. Kistler